



PUBLIC NOTICE

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DA 01-2775

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SUPPLEMENTAL COMMENT SOUGHT ON NATIONAL CABLE TELEVISION ASSOCIATION AND THE MEDIA ACCESS PROJECT *EX PARTE* PRESENTATIONS REGARDING EAS DECODERS

EB DOCKET NO. 01-66

Comments Due: (15 Days after publication in the Federal Register)

The Media Access Project (MAP) submitted an *ex parte* presentation regarding the use of certified Emergency Alert System (EAS) decoders at low power FM broadcast stations.¹ The National Cable & Telecommunications Association, the Telecommunications for the Deaf, Inc. and the National Association of the Deaf (NCTA/NAD)² submitted an *ex parte* presentation regarding the use of Emergency Alert System (EAS) decoders in connection with the Commission's Notice of Proposed Rule Making, *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System, EB Docket No. 01-66*.³

MAP notes that the Commission adopted rules in the Low Power FM proceeding that recognized the budgetary constraints under which low power FM stations would operate and permitted low power FM station to install a FCC certified EAS decoder in lieu of an EAS encoder/decoder.⁴ MAP states that when the Commission adopted this requirement it recognized that FCC certified EAS decoders were not available, but expected certified decoders to become available at a cost similar to non-certified decoders. MAP states that there are no certified EAS

¹ See letter dated October 10, 2001, from Cheryl A. Leanza, Deputy Director, Media Access Project to Bonnie Gay, Technical and Public Safety Division, Federal Communications Commission.

² See also, letter dated October 24, 2001, from Daniel Brenner, Senior VP for Law and Regulatory Policy, National Cable & Telecommunications Association; Lisa Schoenthaler, Senior Director, Association Affairs & Office of Rural/Small Systems, National Cable & Telecommunications Association; Claude L. Stout, Executive Director, Telecommunications for the Deaf, Inc.; and, Nancy J. Bloch, Executive Director, National Association of the Deaf to Joseph P. Casey, Chief, Technical and Public Safety Division, Federal Communications Commission.

³ *Notice of Proposed Rulemaking, Amendment Of Part 11 of the Commission's Rules Regarding The Emergency Alert System, EB Docket 01-66*, 16 FCC Rcd. 7255 (2001).

⁴ See generally *Creation of a Low Power Radio Service, First Report and Order*, MM Docket No. 99-25, 15 FCC Rcd. 2205 (2000).

decoders available and that it does not believe that they will become available at a reasonable price.⁵ In this regard, MAP indicates that the cost of a certified decoder would likely be at or near the cost of a certified EAS encoder/decoder. MAP requests that the FCC consider alternatives to the EAS requirement for Low Power FM stations, such as temporarily exempting low power FM stations from the requirement to install EAS decoders.

NCTA/NAD filed a joint *ex parte* submission requesting that the Commission permit small cable systems to use EAS decoders rather than an EAS encoder/decoder.⁶ NCTA/NAD state that the use of an EAS decoder could serve as an alternative to the Commission's EAS rules for cable systems that serve fewer than 5,000 subscribers and will meet the "best practices" procedures that the Commission agreed to consider in the Second Report and Order amending the EAS rules.⁷

We seek to supplement the record in this docket with respect to MAP's request for alternative arrangements for EAS alerting and NCTA/NAD's request that small cable systems be permitted to install an EAS decoder as an alternative to the requirements of section 11.11 for small cable systems. We also seek specific comment from EAS manufacturers about the likelihood that they will manufacture and certify an EAS decoder and the date by which any such decoder would likely be available for purchase.

We note that small cable systems are required to install EAS encoder/decoders by October 1, 2002.⁸ This request for supplemental comment on the NCTA/NAD *ex parte* submission does not alter that requirement.

Interested parties may file comments concerning this matter on or before (15 days after publication in the Federal Register). All filings must reference EB Docket No. 01-66 and should be sent to Magalie Roman Salas, Secretary, Federal Communications Commission, TW-A325, 445 12th Street, S.W., Washington, D.C. 20554. Two copies should also be sent to the Technical and Public Safety Division, 445 12th Street, S.W., Suite 7-C802, Washington, D.C., 20554. Comments may also be filed using the Commission's Electronic Comment Filing System (ECFS).⁹ Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, electronic filers should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To receive filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-

⁵ MAP comments at 1. FCC staff confirms that there are presently no FCC certified EAS decoders. There are only certified EAS encoders/decoders.

⁶ NCTA/NAD comments at 1. NCTA also notes that its request assumes that EAS decoders will become available. See e-mail, dated November 16, 2001, from Lisa Schoenthaler, NCTA, to George Dillon.

⁷ See *Second Report and Order* at ¶ 10.

⁸ 47 C.F.R. §11.11.

⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

mail address." A sample form and directions will be sent in reply. This is a "permit but disclose" proceeding pursuant to section 1.1206 of the Commission's rules.¹⁰ Presentations to or from Commission decision-making personnel are permissible provided that *ex parte* presentations are disclosed pursuant to section 1.1206(b) of the commission's rules.¹¹

The full text of the comments is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. The documents may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com. A copy of the requests from MAP and NCTA/NAD may also be viewed online at the FCC's E-filing System located at <http://gulfoss2.fcc.gov/cgi-bin/ws.exe/prod/ecfs/comsrchv.htm> by typing EB 01-66 in the Proceeding Block and clicking on Retrieve Document. For further information, contact George Dillon of the Enforcement Bureau at (202) 418-1215 or by e-mail at gdillon@fcc.gov.

Action by the Chief, Enforcement Bureau.

¹⁰ 47 C.F.R. § 1.1206.

¹¹ 47 C.F.R. § 1.1206(b).